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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,491	01/27/2001	Raymond Anthony Joao	RJ180	7937

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EXAMINER

WASYLCHAK, STEVEN R

ART UNIT PAPER NUMBER

3624

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

**Application No.**

09/771,491

**Applicant(s)**

JOAO, RAYMOND ANTHONY

**Examiner**

Steven R. Wasylchak

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 41-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 41-60 are pending. Claims 1-40 are cancelled.
2. This action is in response to amendment filed December 3, 2004.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 41-60 are rejected under 35 U.S.C. 102(b) as being unpatentable over Ross, Jr. et al. (US 6,629,135).

#### CLAIMS:

Claim 41. (New) An apparatus, comprising:

a database, wherein the database stores information regarding at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering, offered by at least one content provider, and information for establishing an affiliated marketing relationship with the at least one content provider;/ fig 1(130a,b); fig 23,24: catalog as advertisement; abstract; col 1, L 52-54; col 2, L 1-44; col 6,L 13-29; col 8 L 25-60; col 11, L 59 to col 12,L 28.

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a receiver, wherein the receiver receives a query regarding an available at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering, offered by at least one content provider, wherein the query is transmitted from a communication device or computer associated with a merchant;/ fig 1; fig 2

a processing device, wherein the processing device processes the query and generates a message in response to the query, wherein the message includes information regarding at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering, offered by at least one content provider; and/ fig 1(130a,b); abstract; col 2, L 1-44; col 6,L 13-29; cal 8 L 25-60; col 11, L 59 to col 12,L 28; col 8, L 50-52; col 17,L 11-42; col 22, L45

a transmitter, wherein the transmitter transmits the message to the communication device or computer associated with the merchant in response to the query. fig 1; fig 24

Clàim 42. (New) The apparatus of Claim 41, wherein the processing device processes information regarding a purchase by the merchant of advertisement space or advertisement services of the at least one content provider and an establishment of an affiliated marketing relationship between the merchant and the at least one content provider./ fig 1; fig 24 (catalog as advertisement); col 17, L 11-42; col 22, L45

Claim 43. (New) The apparatus of Claim 41,

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wherein the processing device processes information regarding a bid by the merchant for an advertisement space or an advertisement service offered by the at least one content provider./ fig 1; fig 23, 24

Claim 44. (New) The apparatus of Claim 41, wherein the processing device processes information regarding an auctioning of an advertisement space or advertisement service offered by the at least one content provider./ fig 1; fig 24

Claim 45. (New) The apparatus of Claim 42, wherein the database further comprises advertisement information associated with the merchant, and further wherein the transmitter transmits the advertisement information associated with the merchant to a computer associated with the at least one content provider./ fig 1; fig 23,24

Claim 46. (New) The apparatus of Claim 42, wherein the processing device calculates a commission or a referral fee due to a content provider under the affiliated marketing relationship./ col 2, L 1-44; col 6,L 13-29; col 8 L 25-60; col 11, L 59 to col 12,L 28; col 17, L 11-42; col 22, L45

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Claim 47. (New) The apparatus of Claim 41, wherein the message includes information regarding at least one of a past success rate of an advertisement and a success rate of the at least one content provider./col 8, L 7-65

Claim 48. (New) The apparatus of Claim 42, wherein the processing device processes at least one of information regarding an individual consumer's activities, and web sites or links visited, utilized, or navigated, by the individual consumer in being brought into contact with a computer associated with the merchant./ col 8, L 7-65

Claim 49. (New) The apparatus of Claim 42, wherein the apparatus administers a financial account for the merchant or the at least one content provider./ col. 8, L 27-65

Claim 50. (New) The apparatus of Claim 42, wherein the processing device at least one of processes a financial transaction for the merchant or the at least one content provider, effectuates a payment from the merchant to the at least one content provider, and receives a payment for the at least content provider./ col 8, L 27-65

Claim 51. (New) The apparatus of Claim 41, wherein the query is transmitted to the receiver on or over the Internet or the World Wide Web./fig 1(110)

Claim 52. (New) The apparatus of Claim 41, wherein the message is transmitted to the communication device or computer associated with the merchant on or over the Internet or the World Wide Web./ fig 1

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Claim 53. (New) The apparatus of Claim 42, wherein the transmitter transmits a transaction notification report containing information regarding an occurrence of a transaction pursuant to the affiliated marketing relationship and a commission or a referral fee due to the at least one content provider, wherein the transaction notification report is received by a communication device or computer associated with the at least one content provider./ col 8, L 27-65

Claim 54. (New) The apparatus of Claim 53, wherein the transaction notification report includes at least one of a payment identifier, a credit card number, a charge card number, a debit card number, financial account identification information, and wire transfer information, for effecting payment of the commission or a referral fee to the content provider./col 8, L 50-52; col 17,L 11-42; col 22, L 45

Claim 55. (New) A computer-implemented method, comprising:  
storing information regarding at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering, offered by at least one content provider, and information for establishing an affiliated marketing relationship with the at least one content provider;  
receiving a query regarding an available at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering, offered by at least one content provider, wherein the query is transmitted from a communication device or computer associated with a merchant;  
processing the query with a processing device;

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generating a message in response to the query with the processing device, wherein the message includes information regarding at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering, offered by at least one content provider; and transmitting the message to the communication device or computer associated with the merchant./ all the above refer to claim 41

Claim 56. (New) The computer-implemented method of Claim 55, further comprising:

processing information regarding a purchase by the merchant of advertisement space or an advertisement service offered by the at least one content provider; and establishing an affiliated marketing relationship between the merchant and the at least one content provider./ all refer to claim 42

Claim 57. (New) The computer-implemented method of Claim 55, further comprising: processing information regarding a bid by the merchant for an advertisement space or an advertisement service offered by the at least one content provider./refer to claim 43

Claim 58. (New) The computer-implemented method



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of Claim 55, further comprising:

processing information regarding an auctioning of an advertisement space or advertisement services offered by the at least one content provider./ inherent col 1, L 52 to 66 (auction off inventory of advertising space)

Claim 59. (New) The computer-implemented method of Claim 56, further comprising: calculating a commission or a referral fee due to a content provider under the affiliated marketing relationship./ col 17, L 11-42; col 22, L45

Claim 60. (New) The computer-implemented method of Claim 56, further comprising: at least one of processing a financial transaction for the merchant or the at least one content provider, effectuating a payment from the merchant to the at least one content provider, and receiving a payment for the at least content provider./ fig 21 (2130); col 6, L 12-50; col 8, L 7-41; col 17, L 60-66

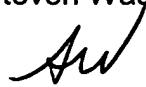
This action is **NON-FINAL**. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Friday from 8:00 a.m. to 5:00 p.m. EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak

  
2/18/05

VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

